

Rule 13.1. In particular, the Examiner found the following groups of claims represent separate inventive concepts:

Group I: Claims 46-61;

Group II: Claim 62;

Group III: Claims 63-74; and

Group IV: Claims 75-78.

Applicant elects Group III, Claims 63-74, with traverse.

The Examiner found that Groups I-IV lacked a common, special technical feature. The Examiner relied upon Rasmussen, US 4,572,739 to show that the use of an iron (II) sulfate containing precipitate to reduce the chromium content of cement is known.

Applicants disagree for the following reasons.

The composition claims (Groups I and IV) incorporate “product-by-process” limitations. Group II is directed to the use of the compositions of Group I, and therefore, also contains the product-by-process limitations. Group III is directed to a method of reducing the soluble chromate composition in cement, by using a precipitate obtainable by concentrating an iron (II) sulfate-containing used sulfuric acid and separating the sulfuric acid from the obtained precipitate. Thus, all of the claims contain the common technical feature of a precipitate obtainable by concentrating an iron (II) sulfate-containing used sulfuric acid and separating the sulfuric acid from the obtained precipitate.

The iron (II) sulfate precipitate obtained by concentrating an iron (II) sulfate-containing used sulfuric acid and separating the sulfuric acid from the obtained precipitate is predominantly iron (II) sulfate monohydrate. (Vossing et al. US 2007/0039522 A1 - ¶ [0017]). In contrast, Rasmussen ‘739 discloses the use of the iron (II) sulfate heptahydrate. (Rasmussen ‘739 – Ex. 1, col. 6, lines 26-28). Applicants have identified advantages of the iron (II) sulfate monohydrate relative to the heptahydrate, including reduced particle size (Vossing et al. ‘522 - ¶ [0069 – 0070]) and a reducing effect that not only does not decrease over time, but increases over time (Vossing et al. ‘522 – [0074 and Table 7]). Thus, a special technical feature is common to all of the pending claims.

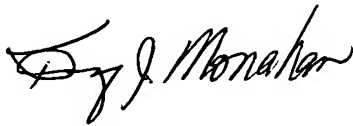
Reconsideration and withdrawal of the restriction requirement is hereby requested.

The Examiner has identified species within the claims, which the Examiner finds do not form a single inventive concept under PCT Rule 13.1. The species identified by the Examiner include a first category, related to Claims 57 – 61 in Group I and a second category, related to Group III, namely (a) Claims 65 and 71 and (b) Claims 67 and 73.

Applicants have elected the claims of Group III. Therefore, Applicants election of species is directed to the second category of claims for which election of species is required. Applicants elect the species related to Claims 65, 66, 71 and 72, related to addition of the reducing agent to powdered cement after milling or before or during filling of packages, bulk containers or transport containers.

Applicants submit that the restriction and/or election requirements set forth in the pending Office Action have been met.

Respectfully submitted,



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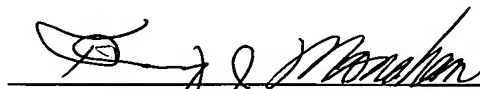
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Date

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CERTIFICATE OF MAILING

I hereby certify that the following correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on November 14, 2008, along with a postcard receipt.

- RESPONSE TO RESTRICTION AND/OR ELECTION REQUIREMENT



Timothy J. Monahan